1 AN ACT concerning regulation.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Illinois Insurance Code is amended by changing Section 356z.22 and adding Section 356z.43 as
- 6 follows:
- 7 (215 ILCS 5/356z.22)
- 8 Sec. 356z.22. Coverage for telehealth services.
- 9 (a) For purposes of this Section:
- "Asynchronous store and forward system" means the

  transmission of a patient's medical information through an

  electronic communications system at an originating site to a

  health care provider at a distant site that does not require

  real-time or synchronous interaction between the health care
- 15 provider and the patient.
- "Distant site" means the location at which the health care provider rendering the telehealth service is located.
- "E-visits" means patient-initiated, non-face-to-face
  communications through an online patient portal with a health
  care professional.
- "Interactive telecommunications system" means an audio and video system, an audio-only telephone system (landline or cellular), or any other telecommunications system permitting

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- 2-way, synchronous interactive communication between the 1 2 patient at an originating site and the health care 3 professional or facility at a distant site permitting 2-way, 4 live interactive communication between the patient and the 5 distant site health care provider.
  - "Originating site" means the location at which the patient is located at the time health care services are provided to the patient via telehealth.
  - "Remote patient monitoring" means the use of digital technologies and mobile medical devices to collect medical and other health data from a patient at an originating site and electronically transmit that data to a health care professional or facility at a distant site for assessment and intervention to allow for ongoing monitoring and management of chronic and acute conditions.
  - "Telehealth" means the evaluation, diagnosis, or interpretation of electronically transmitted patient-specific data between a remote location and a licensed health care professional that generates interaction or treatment recommendations. "Telehealth" includes telemedicine and the delivery of health care services, including mental health treatment and substance use disorder treatment, provided by way of an interactive telecommunications system, asynchronous store and forward system, remote patient monitoring technologies, e-visits, or virtual check-ins.
    - "Telehealth services" means the delivery of covered health

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care services by way of an interactive telecommunications 1 2 system.

"Virtual check-in" means a brief, patient-initiated communication with a health care professional that involves an interactive telecommunications system to deliver individualized clinical diagnosis, treatment, assessment, or quidance to an established patient. "Virtual check-in" only includes communications involving medical discussions that last at least as long as the time ranges provided in the most currently applicable Current Procedural Terminology or Healthcare Common Procedure Coding System codes designated for virtual check-ins. "Virtual check-in" does not include a communication that originates from a related office visit provided within the previous 7 days, nor a communication that leads to an office visit or procedure within the next 24 hours or the soonest available appointment.

- (b) Health care services that are covered under <del>If</del> an individual or group policy of accident or health insurance must be covered when delivered via provides coverage for telehealth when clinically appropriate in the same manner as any other benefits covered under the policy. Coverage required under this Section shall comply with all of services, then it must comply with the following:
  - (1) An individual or group policy of accident or health insurance providing telehealth services may not:
    - (A) require that in-person contact occur between a

1	health care provider and a patient;
2	(B) require the health care provider to document a
3	barrier to an in-person consultation for coverage of
4	services to be provided through telehealth;
5	(C) require the use of telehealth when the health
6	care provider has determined that it is not
7	appropriate; <del>or</del>
8	(D) require the use of telehealth when a patient
9	chooses an in-person consultation or require patients
10	to use a separate panel of health care providers to
11	receive telehealth service coverage and
12	<pre>reimbursement;</pre>
13	(E) create geographic or facility restrictions or
14	requirements for telehealth services;
15	(F) require covered individuals or health care
16	providers to prove a hardship or access barrier before
17	the approval of telehealth services for coverage or
18	<pre>reimbursement;</pre>
19	(G) impose upon telehealth services utilization
20	review requirements that are unnecessary, duplicative,
21	or unwarranted or impose any treatment limitations,
22	prior authorization, documentation, or recordkeeping
23	requirements that are more stringent than the
24	requirements applicable to the same health care
25	service when rendered in-person; or
26	(H) require prior authorization for telehealth

- (2) Patient cost-sharing may be no more than if the health care service were delivered in person. Deductibles, copayments, or coinsurance applicable to services provided through telehealth shall not exceed the deductibles, copayments, or coinsurance required by the individual or group policy of accident or health insurance for the same services provided through in-person consultation.
- (3) Subject to all terms and conditions of the policy, a health insurer shall reimburse a network provider for behavioral health services, including mental health treatment and substance use disorder treatment, delivered through telehealth on at least the same basis and at the same rate as would be applied for the same services if they had been delivered in-person and shall include reasonable compensation to a facility that serves as the originating site at the time a telehealth service is rendered.
- (b-5) If an individual or group policy of accident or health insurance provides coverage for telehealth services, it must provide coverage for licensed dietitian nutritionists and certified diabetes educators who counsel senior diabetes patients in the senior diabetes patients' homes to remove the hurdle of transportation for senior diabetes patients to receive treatment.
  - (c) Nothing in this Section shall be deemed as precluding

including, but not limited to, services provided through an 2

asynchronous store and forward system, e-visits, remote

a health insurer from providing benefits for other services,

patient monitoring services, virtual check-ins remote

monitoring services, other monitoring services, or oral

communications otherwise covered under the policy. Health care

providers shall determine the appropriateness of specific

sites, technology platforms, and technology vendors for a

telehealth service, as long as delivered services adhere to

privacy laws, including, but not limited to, the Health

Insurance Portability and Accountability Act of 1996 and the

Mental Health and Developmental Disabilities Confidentiality

13 Act.

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services.

(d) A health insurer may establish reasonable requirements and parameters for telehealth services, including with respect to document and recordkeeping, to the extent consistent with this Section, the Telehealth Act, or any company bulletin issued by the Department under Executive Order 2020-09. Health insurers shall notify health care providers of any instructions necessary to facilitate billing for telehealth

(e) Notwithstanding Section 352b of this Code, an excepted benefit policy is subject to this Section if the policy covers the patient's use of health care services, whether on an expense-incurred or a per capita prepaid basis or otherwise. This Section does not apply to an excepted benefit policy with

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- 1 respect to lump sum or periodic payments that the policy
- 2 covers based on the occurrence of a diagnosis with a specified
- disease, an accident, or other qualifying health condition,
- 4 nor does this Section apply to lump sum or periodic payments
- 5 for expenses other than health care services. However, no
- 6 policy may deny or reduce any benefit to a patient based on the
- 7 <u>use of clinically appropriate telehealth services in the</u>
- 8 course of satisfying the policy's benefit criteria.
- 9 (Source: P.A. 100-1009, eff. 1-1-19.)
- 10 (215 ILCS 5/356z.43 new)
- 11 Sec. 356z.43. Telehealth Payment Parity Task Force.
- 12 (a) The Telehealth Payment Parity Task Force is created to
- 13 review and study the use of telehealth services in this State
- 14 with respect to payment and reimbursement parity for health
- 15 care providers providing such services. The task force shall
- be comprised of the following members:
- 17 <u>(1) two members representing the Department of</u>
- Insurance appointed by the Director of Insurance;
- 19 (2) one member representing the Department of Public
- 20 Health appointed by the Director of Public Health;
- 21 (3) two members representing the Department of
- Healthcare and Family Services appointed by the Director
- of Healthcare and Family Services;
- 24 <u>(4) two members representing hospitals nominated by</u>
- 25 the head of a statewide organization representing the

1	interests of hospitals in Illinois and appointed by the
2	Director of Public Health;
3	(5) one member representing physicians nominated by
4	the head of a statewide organization representing the
5	interests of physicians in Illinois and appointed by the
6	Director of Public Health;
7	(6) two members representing the insurance industry
8	nominated by the head of a statewide organization
9	representing the interests of insurers in Illinois and
10	appointed by the Director of Public Health;
11	(7) one member of the General Assembly appointed by
12	the Speaker of the House of Representatives;
13	(8) one member of the General Assembly appointed by
14	the President of the Senate;
15	(9) one member of the General Assembly appointed by
16	the Minority Leader of the House of Representatives; and
17	(10) one member of the General Assembly appointed by
18	the Minority Leader of the Senate.
19	(b) The task force shall elect a chairperson from its
20	membership and shall have the authority to determine its
21	meeting schedule, hearing schedule, and agendas. Task force
22	members shall serve without compensation. The Department of
23	Public Health shall provide administrative support to the task
24	force.
25	(c) Appointments shall be made 90 days after the effective
26	date of this amendatory Act of the 102nd General Assembly.

- The task force shall review existing plans and 1 policies issued, delivered, and offered in this State with 2 3 respect to coverage and reimbursement for telehealth services, relevant data on payment parity for telehealth services, and 4 payment parity statutes in other states and provide 5 6 recommendations on the economic feasibility and 7 effectiveness of requiring payment parity for health care services provided via telehealth, including recommendations 8 9 for possible legislation.
- 10 <u>(e) The task force shall submit its findings and</u>
  11 <u>recommendations to the Governor and the General Assembly by</u>
  12 December 31, 2021.
- 13 <u>(f) The task force is dissolved and this Section is</u> 14 repealed on January 1, 2023.
- Section 10. The Telehealth Act is amended by changing

  Sections 5 and 15 as follows:
- 17 (225 ILCS 150/5)
- 18 Sec. 5. Definitions. As used in this Act:
- "Health care professional" includes physicians, physician
  assistants, optometrists, advanced practice registered nurses,
  clinical psychologists licensed in Illinois, prescribing
  psychologists licensed in Illinois, dentists, occupational
  therapists, pharmacists, physical therapists, clinical social
  workers, speech-language pathologists, audiologists, hearing

- instrument dispensers, and mental health and substance use 1
- 2 disorder treatment professionals and clinicians authorized by
- 3 Illinois law to provide mental health and substance use
- disorder treatment services, and qualified providers listed 4
- 5 under paragraph (8) of subsection(e) of Section 3 of the Early
- 6 Intervention Services System Act.
- 7 "Telehealth" means the evaluation, diagnosis,
- 8 interpretation of electronically transmitted patient-specific
- 9 data between a remote location and a licensed health care
- 10 professional that generates interaction or treatment
- 11 recommendations. "Telehealth" includes telemedicine and the
- 12 delivery of health care services, including mental health
- treatment and substance use disorder treatment, provided by 13
- 14 way of an interactive telecommunications system, asynchronous
- store and forward system, remote patient monitoring 15
- 16 technologies, e-visits, or virtual check-ins as defined in
- 17 subsection (a) of Section 356z.22 of the Illinois Insurance
- 18 Code.
- (Source: P.A. 100-317, eff. 1-1-18; 100-644, eff. 1-1-19; 19
- 20 100-930, eff. 1-1-19; 101-81, eff. 7-12-19; 101-84, eff.
- 7-19-19.) 21
- 22 (225 ILCS 150/15)
- 23 Sec. 15. Use of telehealth.
- 24 (a) A health care professional may engage in the practice
- 25 of telehealth in Illinois to the extent of his or her scope of

- practice as established in his or her respective licensing Act 1
- 2 consistent with the standards of care for in-person services.
- 3 This Act shall not be construed to alter the scope of practice
- of any health care professional or authorize the delivery of 4
- 5 health care services in a setting or in a manner not otherwise
- authorized by the laws of this State. 6
- 7 (b) Services provided by telehealth pursuant to this
- Section shall be consistent with all federal and State 8
- 9 privacy, security, and confidentiality laws.
- 10 (c) Health care professionals shall determine the
- 11 appropriateness of specific sites, technology platforms, and
- 12 technology vendors for a telehealth service, as long as
- 13 delivered services adhere to privacy laws, including, but not
- 14 limited to, the Health Insurance Portability and
- 15 Accountability Act of 1996 and the Mental Health and
- 16 Developmental Disabilities Confidentiality Act.
- 17 (d) Health care professionals shall maintain documentation
- and recordkeeping in accordance with subsection (d) of 89 Ill. 18
- 19 Adm. Code 140.403.
- (Source: P.A. 100-317, eff. 1-1-18.) 20
- 21 Section 15. The Early Intervention Services System Act is
- 22 amended by changing Sections 3 and 11 and by adding Section 3b
- 23 as follows:
- 24 (325 ILCS 20/3) (from Ch. 23, par. 4153)

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- 1 Sec. 3. Definitions. As used in this Act:
- 2 (a) "Eligible infants and toddlers" means infants and 3 toddlers under 36 months of age with any of the following 4 conditions:
- (1) Developmental delays.
  - (2) A physical or mental condition which typically results in developmental delay.
    - (3) Being at risk of having substantial developmental delays based on informed clinical opinion.
    - (4) Either (A) having entered the program under any of the circumstances listed in paragraphs (1) through (3) of this subsection but no longer meeting the current eligibility criteria under those paragraphs, continuing to have any measurable delay, or (B) not having attained a level of development in each area, including cognitive, (ii) physical (including vision hearing), (iii) language, speech, and communication, (iv) social or emotional, or (v) adaptive, that is at least at the mean of the child's age equivalent peers; and, in addition to either item (A) or item (B), (C) having been determined by the multidisciplinary individualized family service plan team to require the continuation of early intervention services in order to support continuing developmental progress, pursuant to the child's needs and provided in an appropriate developmental manner. The type, frequency, and intensity of services shall differ from the

- initial individualized family services plan because of the child's developmental progress, and may consist of only service coordination, evaluation, and assessments.
  - (b) "Developmental delay" means a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; social or emotional; or adaptive. The term means a delay of 30% or more below the mean in function in one or more of those areas.
  - (c) "Physical or mental condition which typically results in developmental delay" means:
    - (1) a diagnosed medical disorder or exposure to a toxic substance bearing a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities; or
    - (2) a history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history.
  - (d) "Informed clinical opinion" means both clinical observations and parental participation to determine eligibility by a consensus of a multidisciplinary team of 2 or more members based on their professional experience and

1	expertise.
2	(e) "Early intervention services" means services which:
3	(1) are designed to meet the developmental needs of
4	each child eligible under this Act and the needs of his or
5	her family;
6	(2) are selected in collaboration with the child's
7	family;
8	(3) are provided under public supervision;
9	(4) are provided at no cost except where a schedule of
10	sliding scale fees or other system of payments by families
11	has been adopted in accordance with State and federal law;
12	(5) are designed to meet an infant's or toddler's
13	developmental needs in any of the following areas:
14	(A) physical development, including vision and
15	hearing,
16	(B) cognitive development,
17	(C) communication development,
18	(D) social or emotional development, or
19	(E) adaptive development;
20	(6) meet the standards of the State, including the
21	requirements of this Act;
22	(7) include one or more of the following:
23	(A) family training,
24	(B) social work services, including counseling,
25	and home visits,
26	(C) special instruction,

1	(D) speech, language pathology and audiology,
2	(E) occupational therapy,
3	(F) physical therapy,
4	(G) psychological services,
5	(H) service coordination services,
6	(I) medical services only for diagnostic or
7	evaluation purposes,
8	(J) early identification, screening, and
9	assessment services,
10	(K) health services specified by the lead agency
11	as necessary to enable the infant or toddler to
12	benefit from the other early intervention services,
13	(L) vision services,
14	(M) transportation,
15	(N) assistive technology devices and services,
16	(O) nursing services,
17	(P) nutrition services, and
18	(Q) sign language and cued language services;
19	(8) are provided by qualified personnel, including but
20	not limited to:
21	(A) child development specialists or special
22	educators, including teachers of children with hearing
23	impairments (including deafness) and teachers of
24	children with vision impairments (including
25	blindness),
26	(B) speech and language pathologists and

1	audiologists,
2	(C) occupational therapists,
3	(D) physical therapists,
4	(E) social workers,
5	(F) nurses,
6	(G) dietitian nutritionists,
7	(H) vision specialists, including ophthalmologists
8	and optometrists,
9	(I) psychologists, and
10	(J) physicians;
11	(9) are provided in conformity with an Individualized
12	Family Service Plan;
13	(10) are provided throughout the year; and
14	(11) are provided in natural environments, to the
15	maximum extent appropriate, which may include the home and
16	community settings, unless justification is provided
17	consistent with federal regulations adopted under Sections
18	1431 through 1444 of Title 20 of the United States Code.
19	(f) "Individualized Family Service Plan" or "Plan" means a
20	written plan for providing early intervention services to a
21	child eligible under this Act and the child's family, as set
22	forth in Section 11.
23	(g) "Local interagency agreement" means an agreement
24	entered into by local community and State and regional
25	agencies receiving early intervention funds directly from the

State and made in accordance with State interagency agreements

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- providing for the delivery of early intervention services within a local community area.
- 3 (h) "Council" means the Illinois Interagency Council on 4 Early Intervention established under Section 4.
- (i) "Lead agency" means the State agency responsible for administering this Act and receiving and disbursing public funds received in accordance with State and federal law and rules.
- 9 (i-5) "Central billing office" means the central billing 10 office created by the lead agency under Section 13.
  - (j) "Child find" means a service which identifies eligible infants and toddlers.
  - (k) "Regional intake entity" means the lead agency's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area.
  - (1) "Early intervention provider" means an individual who is qualified, as defined by the lead agency, to provide one or more types of early intervention services, and who has enrolled as a provider in the early intervention program.
  - (m) "Fully credentialed early intervention provider" means an individual who has met the standards in the State applicable to the relevant profession, and has met such other qualifications as the lead agency has determined are suitable for personnel providing early intervention services, including pediatric experience, education, and continuing education. The

- lead agency shall establish these qualifications by rule filed 1
- 2 no later than 180 days after the effective date of this
- 3 amendatory Act of the 92nd General Assembly.
- (n) "Telehealth" has the meaning ascribed to that term in 4
- 5 Section 5 of the Telehealth Act.
- (Source: P.A. 101-10, eff. 6-5-19.) 6
- 7 (325 ILCS 20/3b new)
- 8 Sec. 3b. Services delivered by telehealth. An early
- 9 intervention provider may deliver via telehealth any type of
- 10 early intervention service outlined in subsection (e) of
- 11 Section 3 to the extent of his or her scope of practice as
- 12 established in his or her respective licensing Act consistent
- 13 with the standards of care for in-person services. This
- Section shall not be construed to alter the scope of practice 14
- 15 of any early intervention provider or authorize the delivery
- 16 of early intervention services in a setting or in a manner not
- otherwise authorized by the laws of this State. 17
- 18 (325 ILCS 20/11) (from Ch. 23, par. 4161)
- Sec. 11. Individualized Family Service Plans. 19
- 20 (a) Each eligible infant or toddler and that infant's or
- 21 toddler's family shall receive:
- 22 (1)timelv, comprehensive, multidisciplinary
- 23 assessment of the unique strengths and needs of each
- eligible infant and toddler, and assessment of the 24

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concerns and priorities of the families to appropriately assist them in meeting their needs and identify supports and services to meet those needs; and

a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or quardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, method of delivering services. During and as part of the initial development of the individualized family services and any periodic reviews of the plan, multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

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- (b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help assure that resources are being used to provide appropriate early intervention services.
- The initial evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. The 45-day timeline does not apply for any period when the child or parent is unavailable to complete the evaluation, the initial assessments of the child and family, or the initial Plan meeting, due to exceptional family circumstances that are documented in the child's early intervention records, or when the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. As soon as exceptional family circumstances no longer exist or parental consent has been obtained, the initial evaluation, the initial assessment, and the initial Plan meeting must be completed as soon as possible. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

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- Parents must be informed that early intervention services shall be provided to each eligible infant and toddler, to the maximum extent appropriate, in the natural environment, which may include the home or other community settings. Parents must also be informed of the availability of early intervention services provided through telehealth. Parents shall make the final decision to accept or decline early intervention services, including whether accepted services are delivered in person or via telehealth. A decision decline such services shall not be a basis administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.
- (e) The regional intake offices shall explain to each family, orally and in writing, all of the following:
  - (1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.
  - (2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.
  - (3) That the family may request, with appropriate documentation supporting the request, a determination of

- an exemption from private insurance use under Section 13.25.
  - (4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.
    - (5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to the State's definition of ability to pay which is comparing household size and income to the sliding scale and considering out-of-pocket medical or disaster expenses, and that these fees are payable to the central billing office. Families who fail to provide income information shall be charged the maximum amount on the sliding scale.
  - (f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:
- 21 (1) The name, address, and telephone number of the insurance carrier.
- 23 (2) The contract number and policy number of the insurance plan.
  - (3) The name, address, and social security number of the primary insured.

plan.

- (4) The beginning date of the insurance benefit year. 1
- 2 (g) A copy of the individualized family service plan must 3 be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that 4 5
- (h) Children receiving services under this Act shall 6 7 receive a smooth and effective transition by their third 8 birthday consistent with federal regulations adopted pursuant 9 to Sections 1431 through 1444 of Title 20 of the United States 10 Code. Beginning July 1, 2022, children who receive early 11 intervention services prior to their third birthday and are 12 found eligible for an individualized education program under 13 the Individuals with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and under Section 14-8.02 of the School Code 14 15 and whose birthday falls between May 1 and August 31 may 16 continue to receive early intervention services until the 17 beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity 18 19 of care, and align practices for the enrollment of preschool 20 children with special needs to the enrollment practices of typically developing preschool children. 21
- 22 (Source: P.A. 101-654, eff. 3-8-21.)
- Section 99. Effective date. This Act takes effect upon 23 24 becoming law.